REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-3, 6, and 8-12 remain pending.

Before addressing the Office Action, the Applicants' representative thanks the Examiner for the courtesies extended during the office interview conducted on May 30, 2007. The Examiner's helpful advice has been followed in preparing the above amendments, which are believed to overcome the lingering indefiniteness issues noted on page 2 of the Office Action. However, if the Examiner believed that further discussion or amendment would be desirable to improve the form of the claims, the Examiner is invited to telephone the Applicants' representative at the number below.

Turning to the art rejections, claims 1-3, 6, and 8-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP 5-288756 or JP 4-128657. The Applicants request reconsideration as follows.

As asserted previously by the Applicants, JP 5-288756 does not disclose an analysis information management method having a service center that, responsive to a request from an automatic analyzing apparatus, creates a list of reagents available in this apparatus from information regarding reagents stored in a database; the supplying of this list through a communication line to the automatic analyzing apparatus; or that, in response to a selection of a reagent from the list made by a user of the automatic analyzing apparatus, the service center transfers analysis parameters for a testing item to be analyzed using the selected reagent to the automatic analyzing apparatus through the communication line. Now, in improving the form of claim 1 as set forth above, all claims are clearly limited by the following steps:

creating, by said service center responsive to a request from one of said automatic analyzing apparatuses, a list of reagents available in said one automatic analyzing apparatus from information on reagents stored in said database, and supplying said one automatic analyzing apparatus with the list through a communication line;

transferring, by said service center responsive to a selection of an associated reagent from said list, made by a user of said one automatic analyzing apparatus, analysis parameters, according to which a test is to be carried out on a testing item to be analyzed using the selected reagent, to said one automatic analyzing apparatus through said communication line;

wherein said service center classifies and stores information, including results of calibrations measured by said automatic analyzing apparatuses, results of analyses on control samples, reagents used in analyses, and analysis parameters, for tests carried out in each facility or for each automatic analyzing apparatus, wherein the results of analyses on said control samples are derived from analyses of said control samples using the same reagents in all automatic analyzing apparatuses in all facilities administered by said service center;

calculating, by said service center based on the stored information on the results of analyses for each facility or for each automatic analyzing apparatus, a statistical standard value defined for said results of analyses on said control samples using the same reagents in all automatic analyzing apparatuses in all facilities administered by said service center;

adding said selected reagent to a control sample in said one automatic analyzing apparatus;

analyzing a control sample by said one automatic analyzing apparatus;

calculating, by said service center, a statistical deviation for the result of analysis from said standard value for evaluation; and

determining, based on the calculated statistical deviation, whether the analysis parameters used in the analysis are correct.

Thus, while JP 5-288756 may show transmission of a parameter related to analysis determined by the reagent is taken into an automatic analyzer from an external computer, the Applicants believe that JP 5-288756 does not suggest (at least) the claimed steps of creating and supplying the list of reagents responsive to the request, transferring analysis parameters responsive to selection of the reagent

from the list, calculating the statistical standard value, analyzing the control sample, calculating the statistical deviation from the standard value for the result of the control sample analysis, and determining whether the analysis parameters are correct based on the statistical deviation.

Further, JP 4-128657, while cited as teaching a computer that stores operating conditions at time of analysis and outputs the operating conditions to plural analytical devices on a network, nevertheless also fails to disclose, at least, the now-claimed steps of creating and supplying the list of reagents responsive to the request, transferring analysis parameters responsive to selection of the reagent from the list, calculating the statistical standard value, analyzing the control sample, calculating the statistical deviation from the standard value for the result of the control sample analysis, and determining whether the analysis parameters are correct based on the statistical deviation. Thus, the clarified claim 1 is also believed to be patentably distinct from the teachings of JP 4-128657.

Claims 1-3, 6, and 8-12 also stand rejected under 35 U.S.C. §102(e) as being anticipated by Fritchie, et al., US 6,022,746 (Fritchie). In particular, in the May 31, 2005 Office Action incorporated by the present rejection, Fritchie is cited as disclosing system software that tracks reagent inventory and notifies a user when needed, and that also tracks the calibration status of test and lot numbers for each instrument.

However, as asserted previously by the Applicants, Fritchie does not appear to disclose or fairly suggest a step of calculating a deviation between the results of analysis and a standard value when a (control) sample is newly analyzed by an automatic analyzing apparatus, or a step of using the results of this analysis to

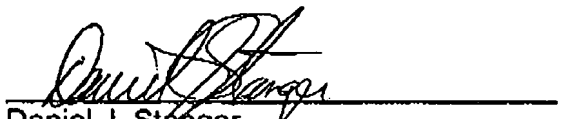
(determine) that the analysis parameters used in the analysis are correct (words in parentheses correspond to the language amended as above). In addition, Fritchie is believed not to suggest the now-claimed steps of creating and supplying the list of reagents responsive to the request, transferring analysis parameters responsive to selection of the reagent from the list, calculating the statistical standard value, or analyzing the control sample, as well as the steps of calculating the statistical deviation from the standard value for the result of the control sample analysis and determining whether the analysis parameters are correct based on the statistical deviation. Thus, the clarified claim 1 is also believed to be patentably distinct from the teachings of Fritchie.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-157).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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